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DEC 09 2005

OFFICE OF PETITIONS

In re Application of :
Mark R. Vandlik, Michael J. Kast and :
Kelly B. Smith :
Application No. 10/765,498 :
Filed: January 26, 2004 :
For: BLOOD PROCESSING SYSTEMS AND :
METHODS THAT EMPLOY AN IN-LINE, :
FLEXIBLE LEUKOFILTER :

DECISION ON PETITION

This is in response to the "Petition Pursuant to 37 CFR 1.183, Requesting Waiver of Requirement 37 CFR 1.64, That an Original Inventor (Kelly B. Smith) Execute New Oath or Declaration When New Inventors Are Added With Assignee's Consent," filed August 4, 2005.

The petition is dismissed.

Petitioner is given TWO MONTHS from the mailing date of this decision to respond, correcting the below-noted deficiencies. Any response should be entitled "Request for Reconsideration of Petition Under 37 CFR 1.183." Failure to respond will result in abandonment of the application. Any extensions of time will be governed by 37 CFR 1.136(a).

Petitioner has failed to show that the nonsigning inventor cannot be reached or located. Petitioner should submit a statement of facts that describes any diligent efforts petitioner has used to locate the non-signing inventor.

The statement of facts must be signed, where at all possible, by a person having firsthand knowledge of the facts recited therein. Statements based on hearsay will not normally be accepted. Copies of documentary evidence such as internet searches, telephone directory searches, certified mail return receipts, cover letters of instructions, telegrams, that support a finding that the nonsigning inventor could not be located or reached should be made part of the statement. The steps taken to locate the whereabouts of the nonsigning inventor should be included in the statement of facts. It is important that the statement contain facts as opposed to conclusions.

Please note, the petition under 37 CFR 1.48 shall be held in abeyance as the instant petition is decided.

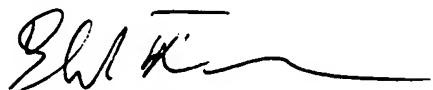
Further correspondence with respect to this matter should be addressed as follows:

By mail: Mail Stop Petition
 Commissioner for Patents
 Box 1450
 Alexandria, VA 22313

By FAX: (571) 273-8300
 Attn: Office of Petitions

By hand: Customer Service Window
 Randolph Building
 401 Dulany Street
 Alexandria, VA 22314

Telephone inquiries regarding this communication should be directed to the undersigned at (571) 272-3228.

A handwritten signature in black ink, appearing to read 'E. J. Tannouse', with a long horizontal flourish extending to the right.

Edward J. Tannouse
Petitions Attorney
Office of Petitions
Office of the Deputy Commissioner
for Patent Examination Policy